

to the amendment SA 3316 proposed by Mr. REID to the bill S. 3637, *supra*.

SA 3319. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3320. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3321. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3322. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3323. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3324. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3325. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3637, *supra*; which was ordered to lie on the table.

SA 3326. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes.

SA 3327. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, *supra*.

SA 3328. Mrs. GILLIBRAND (for herself, Mr. ROCKEFELLER, and Mr. TOOMEY) proposed an amendment to the bill H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

TEXT OF AMENDMENTS

SA 3312. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) **IN GENERAL.**—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks under subsection (b) of that section 714 shall be completed before the end of calendar year 2012.

(b) **REPORT.**—

(1) **IN GENERAL.**—A report on the audit described in subsection (a) shall be—

(A) submitted by the Comptroller General of the United States to Congress before the end of the 90-day period beginning on the date on which such audit is completed; and

(B) made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the chairman and ranking member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) **CONTENTS.**—The report under paragraph (1) shall include a detailed description of the

findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) **REPEAL OF CERTAIN LIMITATIONS.**—Section 714(b) of title 31, United States Code, is amended by striking all after “in writing.”.

(d) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 714 of title 31, United States Code, is amended by striking subsection (f).

SA 3313. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1 and insert the following:

SECTION 1. TEMPORARY CONTINUATION OF THE TRANSACTION ACCOUNT GUARANTEE PROGRAM FOR INSURED DEPOSITORY INSTITUTIONS.

(a) **TEMPORARY EXTENSION.**—Notwithstanding any other provision of law that would repeal subparagraphs (B) and (C) of section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) **PROSPECTIVE REPEAL.**—Effective on January 1, 2015, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking “DEPOSIT.” and all that follows through “clause (ii), the net amount” in clause (i), and inserting “DEPOSIT.—The net amount”; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (C), by striking “subparagraph (B)(i)” and inserting “subparagraph (B)”.

(c) **FEE SYSTEM.**—

(1) **IN GENERAL.**—The Federal Deposit Insurance Corporation (in this section referred to as the “Corporation”) shall establish, by rule, a fee system to fully offset the cost of the transaction account guarantee program under clauses (ii) and (iii) of section 11(A)(1)(B) of the Federal Deposit Insurance Act, such that there is no net cost to the Deposit Insurance Fund.

(2) **PRICING SYSTEM REQUIREMENTS.**—The fee system established by the Corporation under this subsection shall provide that—

(A) those depository institutions that voluntarily participate in the program shall be required to pay a pro rata share of such fees; and

(B) the 6 largest insured depository institutions, based on total assets, as determined by the Corporation, shall each be required to pay a share of such fees.

SA 3314. Mr. REID proposed an amendment to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

At the end, add the following new section:

Sec. ____

This Act shall become effective 5 days after enactment.

SA 3315. Mr. REID proposed an amendment to amendment SA 3314 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

SA 3316. Mr. REID proposed an amendment to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

At the end, add the following new section:

Sec. ____

This Act shall become effective 3 days after enactment.

SA 3317. Mr. REID proposed an amendment to amendment SA 3316 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 3318. Mr. REID proposed an amendment to amendment SA 3317 proposed by Mr. REID to the amendment SA 3316 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

SA 3319. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . CREDIT UNION SMALL BUSINESS DEVELOPMENT.

(a) **DEFINITIONS.**—In this section—

(1) the term “Board” means the National Credit Union Administration Board;

(2) the term “insured credit union” has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term “member business loan” has the same meaning as in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term “net worth” has the same meaning as in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term “well capitalized” has the same meaning as in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

(b) **LIMITS ON MEMBER BUSINESS LOANS.**—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

“(a) **LIMITATION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

“(A) 1.75 times the actual net worth of the credit union; or

“(B) 12.25 percent of the total assets of the credit union.

“(2) **ADDITIONAL AUTHORITY.**—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

“(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

“(B) is well capitalized, as defined in section 216(c)(1)(A);

“(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

“(D) has the requisite policies and experience in managing member business loans; and

“(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

“(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized (as defined in section 216(c)(1)(A)), as reflected in a subsequent quarterly call report, and obtains the approval of the Board.”

(C) IMPLEMENTATION.—

(1) TIERED APPROVAL PROCESS.—The National Credit Union Administration Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this section). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (b) is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (b), and as defined by the rules issued by the Board under this paragraph.

(3) CONSIDERATIONS.—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this section; and

(C) such other factors as the Board determines necessary or appropriate.

(d) REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.—

(1) REPORT OF THE BOARD.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) REPORT.—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section and the amendments made by this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this section;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2) of the Federal Credit Union Act, as amended by this section, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(i) trends in such lending;

(ii) types and amounts of member business loans;

(iii) the effectiveness of this section in enhancing small business lending;

(iv) recommendations for legislative action, if any, with respect to such lending; and

(v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

SA 3320. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ CONFIDENTIALITY OF INFORMATION SHARED BETWEEN STATE AND FEDERAL FINANCIAL SERVICES REGULATORS.

Section 1512(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5111(a)) is amended by inserting “or financial services” before “industry”.

SA 3321. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—FHA EMERGENCY FISCAL SOLVENCY

SEC. 201. SHORT TITLE.

This title may be cited as the “FHA Emergency Fiscal Solvency Act of 2012”.

SEC. 202. FHA ANNUAL MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking “may” and inserting “shall”;

(B) by striking “not exceeding 1.5 percent” and inserting “not less than 0.55 percent”; and

(C) by inserting “and not exceeding 2.0 percent of such remaining insured principal balance” before “for the following periods”; and

(2) in clause (ii), by striking “1.55 percent” and inserting “2.05 percent”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 203. INDEMNIFICATION BY FHA MORTGAGEES.

Section 202 of the National Housing Act (12 U.S.C. 1708) is amended by adding at the end the following new subsection:

“(i) INDEMNIFICATION BY MORTGAGEES.—

“(1) IN GENERAL.—If the Secretary determines that the mortgagee knew, or should have known, of a serious or material violation of the requirements established by the Secretary with respect to a mortgage executed by a mortgagee approved by the Secretary under the direct endorsement program or insured by a mortgagee pursuant to the delegation of authority under section 256 such that the mortgage loan should not have been approved and endorsed for insurance, and the Secretary pays an insurance claim with respect to the mortgage within a reasonable period specified by the Secretary, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

“(2) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in connection with the origination or underwriting and the Secretary determines that the mortgagee knew or should have known of the fraud or misrepresentation, the Secretary shall require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

“(3) APPEALS PROCESS.—The Secretary shall, by regulation, establish an appeals process for mortgagees to appeal indemnification determinations made pursuant to paragraph (1) or (2).

“(4) REQUIREMENTS AND PROCEDURES.—The Secretary shall issue regulations establishing appropriate requirements and procedures governing the indemnification of the Secretary by the mortgagee, including public reporting on—

“(A) the number of loans that—

“(i) were not originated or underwritten in accordance with the requirements established by the Secretary; and

“(ii) involved fraud or misrepresentation in connection with the origination or underwriting; and

“(B) the financial impact on the Mutual Mortgage Insurance Fund when indemnification is required.”

SEC. 204. EARLY PERIOD DELINQUENCIES.

Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended by adding at the end the following new paragraphs:

“(8) PROGRAMMATIC REVIEW OF EARLY PERIOD DELINQUENCIES.—The Secretary shall establish and maintain a program—

“(A) to review the cause of each early period delinquency on a mortgage that is an obligation of the Mutual Mortgage Insurance Fund;

“(B) to require indemnification of the Secretary for a loss associated with any such early period delinquency that is the result of a material violation, as determined by the Secretary, of any provision, regulation, or other guideline established or promulgated pursuant to this title; and

“(C) to publicly report—

“(i) a summary of the results of all early period delinquencies reviewed under subparagraph (A);

“(ii) any indemnifications required under subparagraph (B); and

“(iii) the financial impact on the Mutual Mortgage Insurance Fund of any such indemnifications.

“(9) DEFINITION OF EARLY PERIOD DELINQUENCY.—For purposes of this section, the term ‘early period delinquency’ means, with respect to a mortgage, that the mortgage becomes 90 or more days delinquent within 24 months of the origination of such mortgage.”

SEC. 205. SEMIANNUAL ACTUARIAL STUDIES OF MMIF DURING PERIODS OF CAPITAL DEPLETION.

(a) IN GENERAL.—Paragraph (4) of section 202(a) of the National Housing Act (12 U.S.C. 1708(a)(4)) is amended—

(1) in the first sentence, by inserting “except as provided in subparagraph (B),” after “to be conducted annually.”;

(2) in the second sentence, by inserting “, except as provided in subparagraph (B),” after “annually”;

(3) by striking the paragraph designation and heading and all that follows through “The Secretary shall provide” and inserting the following:

“(4) INDEPENDENT ACTUARIAL STUDY.—

“(A) ANNUAL STUDY.—The Secretary shall provide”; and

(4) by adding at the end the following new subparagraph:

“(B) SEMIANNUAL STUDIES DURING PERIODS OF CAPITAL DEPLETION.—During any period that the Fund fails to maintain sufficient capital to comply with the capital ratio requirement under section 205(f)(2)—

“(i) the independent study required by subparagraph (A) shall be conducted semiannually and shall analyze the financial position of the Fund as of September 30 and March 31 of each fiscal year during such period; and

“(ii) the Secretary shall submit a report meeting the requirements of subparagraph (A) for each such semiannual study.”

(b) ANALYSIS OF QUARTERLY ACTUARIAL STUDIES.—The Secretary of Housing and Urban Development shall conduct an analysis of the cost and feasibility of providing for an independent actuarial study of the Mutual Mortgage Insurance Fund on a calendar quarterly basis, which shall compare the cost and feasibility of conducting such a study on a quarterly basis as compared to a semi-annual basis and shall determine whether such an actuarial study can be conducted on a quarterly basis without substantial additional costs to the taxpayers. Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the findings and conclusion of the analysis conducted pursuant to this subsection.

SEC. 206. DELEGATION OF FHA INSURING AUTHORITY.

Section 256 of the National Housing Act (12 U.S.C. 1715z–21) is amended—

(1) by striking subsection (c);

(2) in subsection (e), by striking “, including” and all that follows through “by the mortgagee”; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 207. AUTHORITY TO TERMINATE FHA MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

(1) in the first sentence of subsection (b), by inserting “or areas or on a nationwide basis” after “area” each place such term appears; and

(2) in subsection (c), by striking “(c)” and all that follows through “The Secretary” in the first sentence of paragraph (2) and inserting the following:

“(c) TERMINATION OF MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.—

“(1) TERMINATION AUTHORITY.—If the Secretary determines, under the comparison provided in subsection (b), that a mortgagee has a rate of early defaults and claims that is excessive, the Secretary may terminate the approval of the mortgagee to originate or underwrite single family mortgages for any area, or areas, or on a nationwide basis, notwithstanding section 202(c) of this Act.

“(2) PROCEDURE.—The Secretary.”

SEC. 208. AUTHORIZATION TO PARTICIPATE IN THE ORIGINATION OF FHA-INSURED LOANS.

(a) SINGLE FAMILY MORTGAGES.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) Have been made to a mortgagee approved by the Secretary or to a person or entity authorized by the Secretary under section 202(d)(1) to participate in the origination of the mortgage, and be held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.”

(b) HOME EQUITY CONVERSION MORTGAGES.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) have been originated by a mortgagee approved by, or by a person or entity authorized under section 202(d)(1) to participate in the origination by, the Secretary.”

SEC. 209. REPORTING OF MORTGAGEE ACTIONS TAKEN AGAINST OTHER MORTGAGEES.

Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

“(j) NOTIFICATION OF MORTGAGEE ACTIONS.—The Secretary shall require each mortgagee, as a condition for approval by the Secretary to originate or underwrite mortgages on single family or multifamily housing that are insured by the Secretary, if such mortgagee engages in the purchase of mortgages insured by the Secretary and originated by other mortgagees or in the purchase of the servicing rights to such mortgages, and such mortgagee at any time takes action to terminate or discontinue such purchases from another mortgagee based on any determination or evidence of fraud or material misrepresentation in connection with the origination of such mortgages, to notify the Secretary of the action taken and the reasons for such action not later than 15 days after taking such action.”

SEC. 210. DEFAULT AND ORIGINATION INFORMATION BY LOAN SERVICER AND ORIGINATING DIRECT ENDORSEMENT LENDER.

(a) COLLECTION OF INFORMATION.—Paragraph (2) of section 540(b) of the National Housing Act (12 U.S.C. 1712 U.S.C. 1735f–

18(b)(2)) is amended by adding at the end the following new subparagraph:

“(C) For each entity that services insured mortgages, data on the number of claims paid to each servicing mortgagee during each calendar quarter occurring during the applicable collection period.”

(b) APPLICABILITY.—Information described in subparagraph (C) of section 540(b)(2) of the National Housing Act, as added by subsection (a) of this section, shall first be made available under such section 540 for the applicable collection period (as such term is defined in such section) relating to the first calendar quarter ending after the expiration of the 12-month period that begins on the date of the enactment of this Act.

SEC. 211. DEPUTY ASSISTANT SECRETARY OF FHA FOR RISK MANAGEMENT AND REGULATORY AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—Subsection (b) of section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533(b)) is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following new paragraph:

“(2) There shall be in the Department, within the Federal Housing Administration, a Deputy Assistant Secretary for Risk Management and Regulatory Affairs, who shall be appointed by the Secretary and shall be responsible to the Federal Housing Commissioner for all matters relating to managing and mitigating risk to the mortgage insurance funds of the Department and ensuring the performance of mortgages insured by the Department.”

(b) TERMINATION.—Upon the appointment of the initial Deputy Assistant Secretary for Risk Management and Regulatory Affairs pursuant to section 4(b)(2) of the Department of Housing and Urban Development Act, as amended by subsection (a) of this section, the position of chief risk officer within the Federal Housing Administration, filled by appointment by the Federal Housing Commissioner, is abolished.

SEC. 212. ESTABLISHMENT OF CHIEF RISK OFFICER FOR GNMA.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding after subsection (g), as added by section 1442 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2163), the following new subsection:

“(h) There shall be in the Department a Chief Risk Officer for the Government National Mortgage Association, who shall—

“(1) be designated by the Secretary;

“(2) be responsible to the President of the Association for all matters related to evaluating, managing, and mitigating risk to the programs of the Association;

“(3) be in the competitive service or the senior executive service;

“(4) be a career appointee;

“(5) be designated from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in risk evaluation practices in large governmental or business entities; and

“(6) shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States before submitting to the Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments if such submission include a statement indicating that the views expressed therein are those of the Chief Risk Officer of the Association and do not necessarily represent the views of the Secretary.”

SEC. 213. REPORT ON MORTGAGE SERVICERS.

(a) EXAMINATION.—The Secretary of Housing and Urban Development shall conduct an

examination into mortgage servicer compliance with the loan servicing, loss mitigation, and insurance claim submission guidelines of the FHA mortgage insurance programs under the National Housing Act (12 U.S.C. 1701 et seq.), and an estimate of the annual costs to the Mutual Mortgage Insurance Fund, since 2008, resulting from any failures by mortgage servicers to comply with such guidelines.

(b) **REPORT.**—Not later than the expiration of the 120-day period that begins upon the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the examination conducted pursuant to subsection (a), including recommendations for any administrative and legislative actions to improve mortgage servicer compliance with the guidelines referred to in subsection (a).

SEC. 214. FHA EMERGENCY CAPITAL PLAN.

(a) **ESTABLISHMENT.**—Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall develop, submit to the Congress, and commence implementation of an emergency capital plan for the restoration of the fiscal solvency of the Mutual Mortgage Insurance Fund (in this section referred to as the “Fund”).

(b) **CONTENTS.**—The emergency capital plan developed pursuant to this section shall—

(1) provide a detailed explanation of the processes and controls by which amounts of capital that are assets of the Fund are monitored and tracked;

(2) establish a plan to ensure the financial safety and soundness of the Fund that avoids the need for borrowing amounts from the Treasury of the United States to meet obligations of the Fund; and

(3) describe the procedure by which, if necessary, any amounts from the Treasury needed to meet obligations of the Fund will be obtained from the Treasury.

(c) MONTHLY REPORTS.—

(1) **REPORTS.**—Subject to paragraph (3), upon the conclusion of each calendar month ending after the 14-day period that begins on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report assessing the financial status of the Fund at the conclusion of such month and setting forth the information described in paragraph (2).

(2) **CONTENTS.**—Each report required under paragraph (1) for a month shall contain the following information regarding the Fund as of the conclusion of such month:

(A) The number of mortgages that are obligations of the Fund that are 60 or more days delinquent, the expected losses to the Fund associated with such delinquent mortgages, and the methodology used to make such calculation.

(B) The number of mortgages that are obligations of the Fund that have a loan-to-value ratio at the time of origination that is less than 80 percent and the percentage of all mortgages that are obligations of the Fund having such a ratio.

(C) The number of mortgages that are obligations of the Fund that had an original principal obligation exceeding 125 percent of the median house price, for a home of the size of the residence subject to the mortgage, for the area in which such residence is located, and the percentage of all mortgages that are obligations of the Fund having such an original principal obligation.

(D) The number of mortgages that are obligations of the Fund for which the mortgagor's income at the time of origination of the mortgage is greater than the median income for the area in which the residence subject to the mortgage is located, and the per-

centage of all mortgages that are obligations of the Fund for which the mortgagor has such an income.

(E) The balances for the financing and capital reserve accounts of the Fund.

(F) Any actions taken during such month to help ensure the financial soundness of the Fund and compliance with section 205(f) of the National Housing Act (12 U.S.C. 1711(f); relating to a capital ratio requirement).

(3) **TERMINATION OF REPORTING REQUIREMENT.**—The requirement to submit reports under paragraph (1) shall terminate on the first date after the date of the enactment of this Act that the Fund attains a capital ratio (as such term is defined in section 205(f)(3) of the National Housing Act) of 2.0 percent.

SEC. 215. FHA SAFETY AND SOUNDNESS REVIEW.

(a) **REVIEW.**—The Comptroller General of the United States shall provide for an independent third party to—

(1) conduct a one-time review of the mortgage insurance programs and funds of the Secretary of Housing and Urban Development that shall determine, as of the time of such review—

(A) the financial safety and soundness of such programs and funds; and

(B) the extent of loan loss reserves and capital adequacy of such programs and funds; and

(2) to submit a report under subsection (b). Such review shall be conducted in accordance with generally accepted accounting principles applicable to the private sector and Federal entities.

(b) **REPORT.**—The report under this subsection shall describe the methodology and standards used to conduct the review under subsection (a)(1), set forth the results and findings of the review, including the extent of loan loss reserves and capital adequacy of the mortgage insurance programs and funds of the Secretary of Housing and Urban Development, and include recommendations regarding restoring such reserves and capital to maintain such programs and funds in a safe and sound condition.

(c) **TIMING.**—The review required under subsection (a) shall be completed, and the report required under subsection (b) shall be submitted, not later than the expiration of the 60-day period beginning on the date of the enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to alter or affect, or exempt the Secretary of Housing and Urban Development from complying with, any laws, regulations, or guidance relating to preparation or submission of budgets or audits or financial or management statements or reports.

SEC. 216. FHA DISCLOSURE STANDARDS.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall review and revise all standards and requirements relating to disclosure of information regarding the mortgage insurance programs and funds, including actuarial studies conducted under section 202(a)(4) of the National Housing Act (12 U.S.C. 1708(a)(4)), quarterly reports under section 202(a)(5) of such Act, and annual audited financial statements under section 538 of such Act (12 U.S.C. 1735f–16), to ensure that, after the date of the enactment of this Act, such disclosures—

(1) provide meaningful financial and other information that is timely, comprehensive, and accurate;

(2) do not contain any material misstatements or misrepresentations;

(3) make available all relevant information; and

(4) prohibit material omissions that make the contents of the disclosure misleading.

SEC. 217. REPORT ON STREAMLINING FHA PROGRAMS.

(a) **EXAMINATION.**—The Secretary of Housing and Urban Development shall conduct an examination of the mortgage insurance and any other programs of the Federal Housing Administration to identify—

(1) the level of use and need for such programs;

(2) any such programs that are unused or underused; and

(3) methods for streamlining, consolidating, simplifying, increasing the efficiency of, and reducing the number of such programs.

(b) **REPORT.**—Not later than the expiration of the 120-day period that begins upon the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the examination conducted pursuant to subsection (a), including recommendations for any administrative and legislative actions to streamline, consolidate, simplify, increase the efficiency of, and reduce the number of such programs.

SEC. 218. BUDGET COMPLIANCE.

The Secretary of Housing and Urban Development shall allocate \$2,500,000 from the account for Administrative Contract Expenses each fiscal year through September 30, 2017, which amounts shall be available only for the purposes of this title and the amendments made by this title, including such additional actuarial reviews as may be required by section 205 of this title and the amendments made by such section.

SA 3322. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. FHA STABILIZATION AND REFORM.

(a) **ESTABLISHING MINIMUM FICO SCORE REQUIREMENT.**—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by inserting after paragraph (7) the following:

“(8) Have been made to a mortgagor having a FICO score of not less than 620.”

(b) **REDUCING LOAN LIMIT.**—Section 203(b)(2)(A) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by adding “or” at the end; and

(3) by inserting before the undesignated matter following clause (ii) the following:

“(iii) \$625,000.”

(c) **HECM MORATORIUM.**—During the 24-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development may not enter into an agreement to insure a home equity conversion mortgage under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

(d) **LIMITATION ON LOANS TO BORROWERS WITH FORECLOSURES.**—Section 203(b)(9)(A) of the National Housing Act (12 U.S.C. 1709(b)(9)(A)) is amended—

(1) by striking the period at the end and inserting “; or”;

(2) by striking “amount equal to not less” and inserting the following: “amount equal to—

“(A) not less”; and

(3) by adding at the end the following:

“(B) in the case of a mortgagor who was the mortgagor under a mortgage that was foreclosed upon during the 7-year period ending on the date on which the mortgagor applies for the mortgage insured under this section, not less than 20 percent of the appraised value of the property or such larger amount as the Secretary may determine.”

SA 3323. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 14 and all that follows through page 3, line 6 and insert the following:

(c) **RECOVERY OF LIABILITY INCREASE.**—The Federal Deposit Insurance Corporation (in this section referred to as the “Corporation”) shall fully and properly reserve, in each calendar year, for the increased prospective liability of the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) that occurs as a result of section 11(a)(1)(B)(ii) of that Act, by—

(1) estimating the amount of deposits of insured depository institutions that are insured as a result of section 11(a)(1)(B)(ii) of that Act; and

(2) collecting, at the same time as and in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)), an amount that bears the same proportion to the assessments that would otherwise be collected as the amount of deposits estimated pursuant to subparagraph (1) bears to the total amount of insured deposits of insured depository institutions, less that estimated amount as of the end of the most recent preceding calendar quarter.

On page 4, strike lines 13 through 20 and insert the following:

(c) **RECOVERY OF LIABILITY INCREASE.**—The National Credit Union Administration (in this section referred to as the “Administration”) shall fully and properly reserve, in each calendar year, for the increased prospective liability of the National Credit Union Share Insurance Fund established under section 203(a) of the Federal Credit Union Act (12 U.S.C. 1783(a)) that occurs as a result of section 207(k)(1) of that Act (12 U.S.C. 1787(k)(1)), by—

(1) estimating the amount of deposits of insured credit unions that are insured as a result of section 207(k)(1)(B) of that Act; and

(2) collecting, at the same time as and in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782), an amount that bears the same proportion to the assessments that would otherwise be collected as the amount of deposits estimated pursuant to subparagraph (1) bears to the total amount of insured deposits of insured credit unions, less that estimated amount as of the end of the most recent preceding calendar quarter.

SA 3324. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 24 and all that follows through page 4, line 20 and insert the following:

(2) collecting from participating insured depository institutions (as defined in section 11(a)(1)(B)(iv) of that Act) an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addi-

tion to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)).

(d) **DEPOSIT INSURANCE VOLUNTARY PARTICIPATION.**—Effective on January 1, 2013, section 11(a)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(B)) is amended—

(1) in clause (ii), by striking “an insured depository institution” and inserting “a participating insured depository institution”; and

(2) by adding at the end the following:

“(iv) **PARTICIPATING INSURED DEPOSITORY INSTITUTION DEFINED.**—For purposes of this subparagraph, the term ‘participating insured depository institution’ means an insured depository institution that elects, in a manner and during a time period for such election specified by the Corporation, to have all of its noninterest-bearing transaction accounts fully insured by the Corporation.”

On page 4, strike lines 13 through 20 and insert the following:

(2) collecting from each participating insured credit union an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782).

(d) **CREDIT UNION INSURANCE VOLUNTARY PARTICIPATION.**—Effective on January 1, 2013, section 207(k)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)(A)) is amended—

(1) in clause (ii), by striking “an insured credit union” and inserting “a participating insured credit union”; and

(2) by adding at the end the following:

“(iv) **PARTICIPATING INSURED CREDIT UNION DEFINED.**—For purposes of this subparagraph, the term ‘participating insured credit union’ means an insured credit union that elects, in a manner and during a time period for such election specified by the Administration, to have all of its noninterest-bearing transaction accounts fully insured by the Administration.”

SA 3325. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 1, strike “December 31” and insert “September 30”.

On page 3, line 13, strike “December 31” and insert “September 30”.

At the end, add the following:

SEC. . LIMITS ON GUARANTEE AMOUNTS.

(a) **DEPOSIT INSURANCE.**—Section 11(a)(1)(B)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(B)(ii)) is amended—

(1) by striking “shall fully insure the net amount that any” and inserting “shall insure not more than \$1,000,000 of the amount that any single”; and

(2) by striking the second sentence.

(b) **CREDIT UNION INSURANCE.**—Section 207(k)(1)(A)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)(A)(ii)) is amended—

(1) by striking “shall fully insure the net amount that any” and inserting “shall insure not more than \$1,000,000 of the amount that any single”; and

(2) by striking the second sentence.

SA 3326. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Interest Declassification Board Reauthorization Act of 2012”.

SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) **SUBSEQUENT APPOINTMENT.**—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting “from the date of the appointment.”

(b) **VACANCY.**—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking “A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.”

(c) **EXTENSION OF SUNSET.**—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking “2012.” inserting “2014.”

SA 3327. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes; as follows:

Amend the title so as to read: “To extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.”

SA 3328. Mrs. GILLIBRAND (for herself, Mr. ROCKEFELLER, and Mr. TOOMEY) proposed an amendment to the bill H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes; as follows:

On page 2, line 20, after “clothing to” insert “the local airport authority or other local authorities for donation to charity, including”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 11, 2012, at 10:30 a.m., to conduct a hearing entitled “Streamlining and Strengthening HUD’s Rental Housing Assistance Programs, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.